

Floodplain Management Plan

New York State Homes and Community Renewal

Community Development Block Grant – Disaster Recovery
NY Rising Bulkhead Repair Initiative



Westchester County, New York

Effective Date: April 24, 2015

Executive Order 11988 – Floodplain Management

New York State Homes and Community Renewal

U.S. Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery (CDBG-DR) NY Rising Bulkhead Repair Initiative

Westchester County, New York Effective Date: April 24, 2015

This Floodplain Management Plan Areawide Compliance Document meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management—for the NY Rising Bulkhead Repair Initiative (Initiative) in Westchester County, NY. The housing properties are participating in the U.S. Department of Urban Development (HUD) Community Development Block Grant Program as administered by the State of New York Action Plan for Community Development Block Grant Program – Disaster Recovery (CDBG-DR). This Initiative will be conducted in compliance with Executive Order 11988. It includes the repair, replacement, and/or reconstruction, in-kind and in-place, of existing bulkheads on residential properties located in a floodplain for which approval is required, either from HUD under any applicable HUD program, or from a grant recipient subject to 24 CFR Part 58. This Floodplain Management Plan documents the eight-step decision making process for the Initiative and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

Description of Proposed Program Activities In The SFHA

The State of New York was awarded funding, to be administered by the New York State Housing and Community Renewal (NYS HCR), to provide financial assistance to homeowners whose primary residences were substantially damaged by Superstorm Sandy, Tropical Storm Lee, and Hurricane Irene within various counties in the state of New York, including Westchester County. NYS HCR is awarding this funding in accordance with the State of New York Action Plan for Community Development Block Grant Program – Disaster Recovery (Action Plan). The Action Plan provides for, among other things, assistance to owners of residential properties containing bulkheads in Westchester County, whose bulkheads sustained damage from Hurricane Irene and Superstorm Sandy. These are the activities that are the subject of this Areawide Compliance Document.

Executive Order 11988 & 24 CFR Part 55

HUD regulation 24 CFR Part 55 implements Executive Order 11988 for Floodplain Management. The Order requires Federal agencies (or a state agency implementing a Federal funding program) to reduce the loss of life and property caused by floods, minimize impacts of floods on human safety, health, and welfare, and preserve the natural and beneficial functions of floodplains. Under this Order, Federal agencies must evaluate the potential effects of the proposed action. In addition, Federal agencies are required to demonstrate that all practicable alternatives have resulted in the reduction or elimination of the long-and short-term adverse impacts associated with occupancy and modifications of the floodplain.

Projects located within a SFHA are subject to Executive Order 11988. Information on where SFHAs are located is available on Flood Insurance Rate Maps (FIRMs) published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data, such as Advisory Base Flood Elevations (ABFEs) or preliminary and final FIRMs.

The SFHA is the area that would be inundated by a 100-year flood: an area that has a one percent or greater chance of experiencing a flood in any single year. SFHAs are shown on FIRMs as shaded areas labeled with the letter “A” or “V”.

- “V” zones are coastal flood hazard zones subject to wave run-up in addition to storm surge.
- “A” zones include all other SFHAs.
- “VE” zones, “AE” zones, “V” zones, or “A” zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations (BFE).
- A zone with the letter “A” or “V” by itself is an appropriately studied flood hazard area without a specific flood elevation.
- Within an “AE” zone or a numbered “A” zone, there may be an area known as the “regulatory floodway,” which is the channel of a river and adjacent land areas which must be reserved to discharge a 100-year flood without causing a rise in flood elevations.

The floodplain (FEMA Zones “A”, “AE”, “AH”, “V”, & “VE”) covers large areas of Westchester County. An approximate total of 49,500 acres of floodplain, including surface waters, is mapped within the county boundary (source: Base GIS review of FEMA BFE data).

24 CFR Part 55.1 (c)

According to 24 CFR Part 55.1(c), except with respect to actions listed in Part 55.12(c), no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to:

- (1) Any action, other than a functionally dependent use, located in a floodway;
- (2) Any critical action located in a coastal high hazard area (V zone) (a “critical action” is an action such as storage of volatile materials, irreplaceable record storage, or construction of a hospital or nursing home); or
- (3) Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area or is a functionally dependent use and complies with the construction standards outlined in HUD Regulations 24 CFR Part 55 (c)(3).

24 CFR Parts 55.11 & 55.20

According to 24 CFR Parts 55.11 (including Table 1) and 55.20, non-critical actions are allowed in A or V zones only if the actions are reviewed in accordance with the floodplain management eight-step decision making process outlined in 24 CFR Part 55.20. An eight-step process was conducted for the activities of the NY Rising Bulkhead Repair Initiative in Westchester County, as detailed below.

NYS HCR Approach

In applying Executive Order 11988 and 24 CFR Part 55, NYS HCR's approach is to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains as a result of the proposed actions. No funding will be committed in a floodway and no “critical actions” will receive funding.

Before funding is allocated to a particular site, the site will be reviewed for compliance with Executive Order 11988 using the following process, which will be documented and kept on file:

- The source of information will be documented on the Site-Specific Checklist.
- Action Plan Activities located within the SFHA, as identified by FEMA maps, have been reviewed in this document, a large scale 8-Step Process prepared in accordance with 24 CFR Part 55.20.
- NYS HCR or its authorized agent will review the property locations to identify any within a FEMA delineated floodway. Any properties located within a FEMA-delineated floodway are not eligible for the program.
- If the parcel is located within a SFHA and has been substantially damaged or requires substantial improvement (the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred), NYS HCR or its authorized agent will identify the base flood elevation at the site and determine applicable measures (as described, below) to mitigate impacts to the floodplain and to the residence.

24 CFR Part 55.20 Eight-Step Process

Step One: Determine whether the proposed action is located in a 100-year floodplain.

The Initiative was created in response to severe coastal flooding and storm damage caused by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee. The Action Plan Activities will address the State’s need for safe, adequate, and affordable housing to the affected population within the legal framework of the initiative.

The geographic scope for the NY Rising Bulkhead Repair Initiative described herein is the jurisdictional area of Westchester County, covering approximately 288,000 acres, of which 49,500 acres are located within floodplains.

Construction activities are expected to take place on residential properties scattered throughout Westchester County. Property owners of any location within the county whose bulkhead sustained damage from Hurricane Irene or Superstorm Sandy are able to apply for the Initiative. The actual property addresses of applicants participating in this initiative will not be verified until applications for assistance are reviewed and determined eligible for the initiative. However, eligible applicants are: owners of residential properties that contain a bulkhead, including owner-occupied and rental residential properties with any number of housing units. Many eligible applicants would own buildings in a NFIP “V” or “A” zone, as indicated on the FIRM.

Funding would be provided in accordance with NYS’s Action Plan for homeowners within Westchester County who meet the initiative requirements. The Initiative would fund activities necessary for repair, replacement, and/or reconstruction, in-kind and in-place, of an existing damaged bulkhead.

Step Two: Notify the public at the earliest possible time of a proposal to consider an action in a floodplain, and involve the affected and interested public in the decision making process.

Because the Initiative activities are located in the floodplain, NYS HCR must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the initiative activities in this area. Once the early public notice and comment period is complete, the NYS HCR will assess, consider, and respond to the comments received individually and collectively for the project file, then proceed to Step Three.

A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in Newsday on March 27, 2015. The 15-day period expires on April 22, 2015. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on March 27, 2015: Federal Emergency Management Agency (FEMA); U.S. Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to Westchester County and the towns and villages within Westchester County (see **EXHIBIT 2** for the notice to federal and state agencies).

NYS HCR received 0 public comments on this notice. See **EXHIBIT 4** for the list of comments received by and the response to those comments.

Step Three: Identify and evaluate practicable alternatives to locating the proposed action in a floodplain.

After a consideration of the following alternatives, NYS HCR has determined the best practicable alternative is the Proposed Action. The alternative actions considered are as follows: No Action, Limited Action Alternative – No Reimbursement Funding, and Limited Area Alternatives.

No Action Alternative

Under the No Action alternative, the residential property owners would be responsible for the repair and rehabilitation of the residential bulkheads. Depending on motivations of owners and their willingness and/or ability to access resources to repair and upgrade these bulkheads, there is the potential that repairs would be limited, work would progress slowly or remain incomplete, creating hazards, or work would not be completed to current building codes.

The effects of leaving bulkheads unrepaired or repaired insufficiently include:

- Slumping or falling over of the bulkhead due to water pressure not being relieved through weep holes
- Slumping or falling over of the bulkhead due to undermining by erosion
- Erosion behind the bulkhead due to waves overtopping the structure; and
- Water flowing around the bulkhead.

The failure of the bulkheads would leave the property vulnerable to erosion and flooding and wave damage from storms and high water levels.

Limited Action Alternative – No Reimbursement Funding

Under this alternative, the funding for the repair or reconstruction of bulkheads on residential properties in Westchester County would be authorized; however reimbursement for repairs or reconstruction that have already been completed would not be authorized. This alternative could cause homeowners and occupants to be dissuaded from making immediate and necessary repairs. Delaying repairs and reconstruction would delay clean-up of debris from damaged bulkheads and leave the properties vulnerable to further damage while the bulkhead remains unrepaired.

Limited Areas Alternative

In certain limited areas with high flood risk, additional programs have been proposed for funding and are being assessed in forthcoming environmental assessments.

Under the Limited Area Alternative – Buyout Option, funds would be authorized to purchase severely damaged residential properties, demolish any structures, and restore the properties to natural conditions within Westchester County. This would help restore large parts of the floodplain to their natural state. Under this option, the bulkheads would be removed, reduced, or in other ways be made part of the natural conditions for that site.

Under the Limited Area Alternative – Acquisition Option, funding would be authorized to acquire damaged residential properties for the purpose of future resilient redevelopment within Westchester County. Following acquisition of a property, the responsible entity would make any required temporary repairs to the bulkheads prior to redevelopment. The future redevelopment would have to include long-term repair and rehabilitation of the bulkhead associated with the properties.

Both of these options would involve relocating populations to less vulnerable areas away from the shore. This would result in a dramatic change to neighborhoods and communities, with associated local economies also being affected. Thus, the cost of the Limited Area Alternative Buyout and/or Acquisition options could be far greater than the cost of repairing and rebuilding in a more resilient manner in the existing developed parcel.

These alternatives will be re-evaluated in light of any public comments received.

Step Four: Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain.

NYS HCR has evaluated the alternatives to the taking the proposed action in the floodplain, and have determined that the proposed activities must take place in the floodplain.

Potential impacts associated with the occupancy or modification of the floodplain include some degree of ongoing risk to residents who choose to live in the floodplain. While there are some inherent risks to living in a floodplain or area which experiences severe weather that cannot be completely avoided, the individual actions undertaken by the described NY Rising Bulkhead Repair Initiative for Residential Properties would have a positive impact on Westchester County communities by ensuring that residents are able to make repairs to or reconstruct their bulkheads, increasing the storm-resiliency of their properties.

While there is the potential for a cumulative impact from the generation of construction debris from the repair and replacement of a large number of bulkheads through the proposed action in conjunction with the other NY Rising Programs, most of the impact would be mitigated. Direct and indirect impacts on the floodplain from repair and reconstruction activities under the NY Rising Bulkhead Repair Initiative for Residential Properties would be minimal as these sites are already developed and the bulkheads on these properties are already in existence.

The Initiative would facilitate the removal of debris and wreckage of damaged bulkheads on Applicant properties, and would protect public safety through the repair and/or replacement or reconstruction of bulkheads, making the properties less likely to damage the floodplain with debris during future storm events.

Because the Initiative is for repair or replacement of only existing bulkheads, it is extremely unlikely that there would be a net increase in floodplain development in comparison to pre-hurricane conditions as a result of this initiative. In addition, the proposed activities would not likely increase floodplain occupancy, as the proposed activities would be completed by the current residents.

Step Five: Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the floodplain and to restore and preserve its natural and beneficial values.

Homeowners participating in this Initiative would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values:

- The replacement of a functional and lawfully existing bulkhead (including returns and parallel capping boardwalks) must be done in the same location as the existing bulkhead.
- The bulkhead must (1) be designed and built to control long-term erosion and (2) have a reasonable probability of controlling erosion for at least 30 years (6 NYCRR Part 505.9(b)). A permit application must include a long-term maintenance program and specifications for (1) maintenance of degradable materials and (2) periodic replacement of removable materials. Materials must be strong enough to withstand waves, weathering, and storm conditions (6 NYCRR Part 505.9(c)).

Constructing, modifying, or restoring the bulkhead structure must (1) not increase erosion and (2) minimize or prevent adverse effects to natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats. Variances from the requirements may be granted if certain criteria are met (6 NYCRR Part 505.9(e)).

Step Six: Reevaluate the proposed action to determine: (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains, and its potential to disrupt floodplain values; and (2) Whether alternatives preliminarily rejected at Step Three are practicable in light of the information gained in Steps Four and Five.

NYS HCR has reevaluated the proposed action and determined that the NY Rising Bulkhead Repair Initiative for Residential Properties is still practicable in light of its exposure to flood hazards in the floodplain. As the properties already contain a bulkhead, the Initiative would not aggravate current hazards to the floodplain, nor would the Initiative disrupt floodplain values.

NYS HCR also reconsidered the alternatives discussed in Step Three and determined the best practicable alternative is the proposed action. The alternative actions considered are as follows: No Action and Limited Action Alternative—Rehabilitation without Reimbursements. These alternatives do not meet the goals of the NY Rising Bulkhead Repair Initiative. Because the proposed action is specifically designed to repair and reconstruct bulkheads on residential properties, all of which are anticipated to be in the floodplain, there is no practicable alternative than locating the proposed action in the floodplain.

An award under the Action Plan would require all proposed reconstruction and repair of substantially damage bulkheads in the floodplain to acquire all required permits and authorizations from USACE, NYSDEC, NYSDOS, and any local agency having jurisdiction over the work. This process would ensure that properties with damaged bulkheads are not left vulnerable to erosion, flooding and wave damage from storms and high water levels.

The impacts of these alternatives would be re-evaluated in response to any public comments received.

Step Seven: If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain, publish a final notice.

It is NYS HCR's determination that there is no better alternative than to provide funding for the proposed action in the floodplain. This is due to: 1) the need to protect current housing; 2) the desire to avoid displacing residents; and 3) the ability to mitigate and minimize impacts on human health, public property, and floodplain values.

A 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in Newsday on April 16, 2015. The 7-day period expires on April 24, 2015. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on April 16, 2015: Federal Emergency Management Agency (FEMA); U.S Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to Westchester County and the towns and villages within Westchester County. (See **EXHIBIT 3** for the notice to federal and state agencies.)

NYS HCR received 0 public comments on this notice. See **EXHIBIT 4** for the list of comments received and the response to those comments.

Step Eight: Implement the Action

Step eight is implementation of the proposed action. NYS HCR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Furthermore, NYS HCR will conduct a NEPA review in accordance with 24 CFR Part 58 and a NY State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

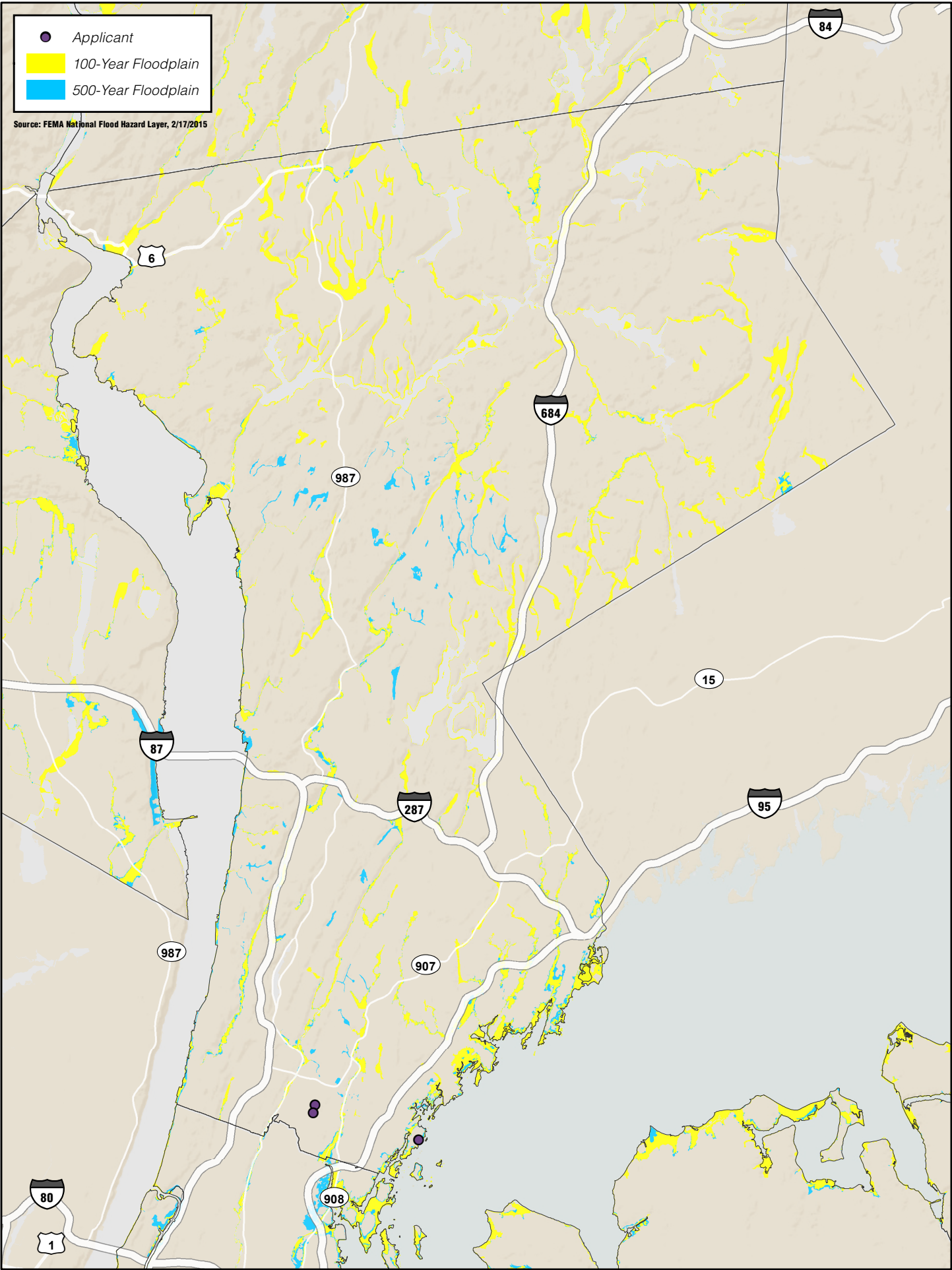
EXHIBIT 1 Westchester County Floodplain and Prospective Applicant Map

EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

EXHIBIT 4 Public Comments Received and Response

EXHIBIT 1 Westchester County Floodplain and Prospective Applicant Map



Westchester County Bulkead Repair Applicant Data				
App ID	Latitude Degrees	Latitude Minutes	Longitude Degrees	Longitude Minutes
119-HA-46627-2013	40	54	-73	46
119-HA-56589-2013	40	55	-73	50
119-HA-56880-2013	40	55	-73	50

**EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review
and Proof of Publication**

**EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-
YEAR FLOODPLAIN – WESTCHESTER COUNTY, NY**

**COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY PROGRAM**

Daniel Greene, Deputy General Counsel and Certifying Officer
Governor's Office of Storm Recovery
25 Beaver Street, 5th Floor
New York, NY 10004
Email: NYSCDBG_DR_ER@nyshcr.org

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that New York State Homes and Community Renewal (NYS HCR) has conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment. This activity—NY Rising Bulkhead Repair Initiative—is funded under the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program pursuant to Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

Pursuant to the CDBG-DR Program and Federal Register Notices 78 Fed. Reg. 14329, 78 Fed. Reg. 69104 and 79 Fed. Reg. 62182 (Notices), published March 5, 2013, November 18, 2013, and October 16, 2014, respectively, NYS has been allocated approximately \$4.4 billion of CDBG-DR funds for storm recovery activities, including but not limited to the acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in storm-impacted municipalities and counties. A portion of the current allocation will be used for the repair, and/or replacement or reconstruction, in-kind and in-place, and reimbursement for completed repairs to owners of residential properties containing bulkheads in Westchester County whose residential bulkheads were damaged or destroyed by Hurricane Irene and Superstorm Sandy. This Notice pertains to properties opting into the NY Rising Bulkhead Repair Initiative in Westchester County, NY.

There are approximately 49,500 acres of surface water and floodplain in Westchester County. Floodplains are delineated on the FEMA Base Flood Elevation Maps, which can be viewed at www.msc.fema.gov. The actual property addresses of applicants participating in this initiative will not be verified until applications for assistance are reviewed and determined eligible for the initiative. A map indicating the general location of potential applicants within the floodplain can be viewed at <http://stormrecovery.ny.gov/environment>.

Eligible owners of residential properties with bulkheads that sustained damage from Hurricane Irene and Superstorm Sandy will be issued grant awards. These awards will fund activities

necessary to restore existing storm-damaged bulkheads, including repairs, replacement, and/or reconstruction, in-kind and in-place, of the damaged bulkhead.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Floodplain Management Plan or a request for further information to Daniel Greene, Deputy General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, NY 10004. Written comments may also be submitted via email to Daniel Greene at NYSCDBG_DR_ER@nyshcr.org. Please include "Westchester County Floodplain Management Comments" in the subject line. All comments received by **April 22, 2015** will be considered by NYS HCR.

Daniel Greene, Deputy General Counsel and Certifying Officer

March 27, 2015

AFFIDAVIT OF PUBLICATION FROM



CECILIA HERNANDEZ

being duly sworn says that he/she is the principal clerk of **THE JOURNAL**

NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:

WESTCHESTER

Run Dates:

MAR-27-2015

Signature

A handwritten signature in cursive script, appearing to read "Cecilia Hernandez", is written over a horizontal line.

Sworn to before me, this 31st day of March 2015

Notary Signature

A handwritten signature in cursive script, appearing to read "Nilma Avelar", is written over a horizontal line.

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnville, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Slootsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number:

AD61 # 0000225242

ents are about, Conen wrote. said, it's about mixing religion money.

letter was not well received to say they oppose giving an authority to overrule the pool board.

Mandel from New York City because a school district 40 of him accommodates (most-unt for taxpayers!) the wish-its with special needs rather and fighting with the parents, d cost (money) for the dis-ave parents," Yossi Gee com-ave you no shame?"

cal of the East Ramapo school board.

Commenter Shimon Rolnitzky suggested Day should focus more on the stated duties of his elected position.

"Since you got elected all you did was play on the fears of county residents about the Hasidic community, while neglecting the business of the county," Rolnitzky wrote. "In all honesty we need a monitor on your actions."

But Day has his defenders, including Robert I. Rhodes, chairman of Preserve Ramapo. Rhodes laments that criticism of the school board is routinely portrayed as anti-Semitic or anti-Hasidic sentiment.

boards of Yeshivas? None of course, nor should they."

Mandel, who wrote the letter advocating a monitor in East Ramapo, took issue with Petlin's claim that the bill implies the school board cannot be trusted "simply because they don't send their children to public schools."

That's not so, Mandel writes, asserting that mismanagement, disrespect of parents, and use of power and resources to favor private schools are reasons for the legislation.

"It is the board's actions," he commented, "not its inherent make-up, that led to the bill."

**EARLY NOTICE AND PUBLIC EXPLANATION OF A PROPOSED
ACTIVITY IN A 100-YEAR FLOODPLAIN - WESTCHESTER COUNTY, NY
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY PROGRAM**

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PUBLIC COMMENTS

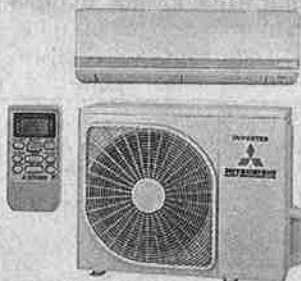
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Daniel Greene, Deputy General Counsel and Certifying Officer

March 27, 2015

WP-0000221242

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Exclusions Apply
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(Lennox ML 180 Model,
Exclusions Apply)
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**EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review
and Proof of Publication**

**FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A
100-YEAR FLOODPLAIN – WESTCHESTER COUNTY, NY
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY PROGRAM**

Daniel Greene, Deputy General Counsel and Certifying Officer
Governor's Office of Storm Recovery
25 Beaver Street, 5th Floor
New York, NY 10004
Email: NYSCDBG_DR_ER@nysher.org

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation has conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment. This activity—NY Rising Bulkhead Repair Initiative—is funded under the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program pursuant to Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

Pursuant to the CDBG-DR Program and Federal Register Notices 78 Fed. Reg. 14329, 78 Fed. Reg. 69104 and 79 Fed. Reg. 62182 (Notices), published March 5, 2013, November 18, 2013, and October 16, 2014, respectively, NYS has been allocated approximately \$4.4 billion of CDBG-DR funds for storm recovery activities, including but not limited to the acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in storm-impacted municipalities and counties. A portion of the current allocation will be used for the repair, and/or replacement or reconstruction, in-kind and in-place, and reimbursement for completed repairs to owners of residential properties containing bulkheads in Westchester County whose residential bulkheads were damaged or destroyed by Hurricane Irene and Superstorm Sandy. This Notice pertains to properties opting into the NY Rising Bulkhead Repair Initiative in Westchester County, NY.

There are approximately 49,500 acres of surface water and floodplain in Westchester County. Floodplains are delineated on the FEMA Base Flood Elevation Maps, which can be viewed at www.msc.fema.gov. The actual property addresses of applicants participating in this initiative will not be verified until applications for assistance are reviewed and determined eligible for the initiative. A map indicating the general location of potential applicants within the floodplain can be viewed at <http://stormrecovery.ny.gov/environmental-docs>.

Eligible owners of residential properties with bulkheads that sustained damage from Hurricane Irene and Superstorm Sandy will be issued grant awards. These awards will fund activities necessary to restore existing storm-damaged bulkheads, including repairs, replacement, and/or reconstruction, in-kind and in-place, of the damaged bulkhead.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

ALTERNATIVES CONSIDERED

After a consideration of the following alternatives, GOSR has determined the best practicable alternative is the Proposed Action. The alternative actions considered are as follows: No Action, Limited Action Alternative – No Reimbursement Funding, and Limited Area Alternatives.

No Action Alternative

Under the No Action alternative, the residential property owners would be responsible for the repair and rehabilitation of the residential bulkheads. Depending on motivations of owners and their willingness and/or ability to access resources to repair and upgrade these bulkheads, there is the potential that repairs would be limited, work would progress slowly or remain incomplete, creating hazards, or work would not be completed to current building codes.

The effects of leaving bulkheads unrepaired or repaired insufficiently include:

- Slumping or falling over of the bulkhead due to water pressure not being relieved through weep holes
- Slumping or falling over of the bulkhead due to undermining by erosion
- Erosion behind the bulkhead due to waves overtopping the structure; and
- Water flowing around the bulkhead.

The failure of the bulkheads would leave the property vulnerable to erosion and flooding and wave damage from storms and high water levels.

Limited Action Alternative – No Reimbursement Funding

Under this alternative, the funding for the repair or reconstruction of bulkheads on residential properties in Westchester County would be authorized; however reimbursement for repairs or reconstruction that have already been completed would not be authorized. This alternative could cause homeowners and occupants to be dissuaded from making immediate and necessary repairs. Delaying repairs and reconstruction would delay clean-up of debris from damaged bulkheads and leave the properties vulnerable to further damage while the bulkhead remains unrepaired.

Limited Area Alternatives

In certain limited areas with high flood risk, additional programs have been proposed for funding and are being assessed in forthcoming environmental assessments. Under the Limited Area Alternative – Buyout option, funds would be authorized to purchase severely damaged residential properties, demolish any structures, and restore the properties to natural conditions within Westchester County. This would help restore large parts of the floodplain to their natural state. Under this option, the bulkheads would be removed, reduced, or in other ways be made part of the natural conditions for that site.

Under the Limited Area Alternative – Acquisition Option, funding would be authorized to acquire damaged residential properties for the purpose of future resilient redevelopment within

Westchester County. Following acquisition of a property, the responsible entity would make any required temporary repairs to the bulkheads prior to redevelopment. The future redevelopment would have to include long-term repair and rehabilitation of the bulkhead associated with the properties.

Both of these options would involve relocating populations to less vulnerable areas away from the shore. This would result in a dramatic change to neighborhoods and communities, with associated local economies also being affected. Thus, the cost of the Limited Area Alternative Buyout and/or Acquisition options could be far greater than the cost of repairing and rebuilding in a more resilient manner in the existing developed parcel. These alternatives will be re-evaluated in light of any public comments received.

FLOODPLAIN MANAGEMENT PLAN

GOSR has reevaluated the alternatives to building in the floodplain and has determined that there is no practicable alternative. A full copy of the Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 can be viewed online at <http://stormrecovery.ny.gov/environmental-docs> or at the addresses listed below under public comments.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Floodplain Management Plan or a request for further information to Daniel Green, Deputy General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, NY 10004. Written comments may also be submitted via email to Daniel Greene at NYSCDBG_DR_ER@nyshcr.org. Please include "Westchester County Floodplain Management Comments" in the subject line. All comments received by **April 23, 2015** will be considered by GOSR.

Daniel Green, Deputy General Counsel and Certifying Officer

April 16, 2015

**AFFIDAVIT OF PUBLICATION
FROM**



CECILIA HERNANDEZ

being duly sworn says that he/she is the principal clerk of **THE JOURNAL**

NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:

WESTCHESTER

Run Dates:

APRIL 16 - 2015

Signature

Cecilia Hernandez

Sworn to before me, this 4th day of May 2015

Notary Signature

Vilma Avelar

**Vilma Avelar
Notary Public State of New York
NO. 01AV6318411
Qualified in Westchester County
Commission Expires January 26, 2019**

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

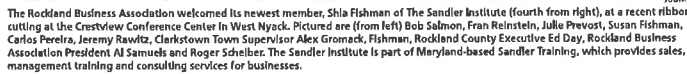
Ad Number:

IN BRIEF

YONKERS—Mike Brady, the president of Greyston Bakery, has been named president and CEO of Greyston, an integrated network of programs that provide jobs, workforce development, childcare, housing, after-school programs and community gardens. Brady was a board member of the Greyston Foundation before being named president and CEO of Greyston Bakery, the for-profit arm of Greyston Foundation, in 2012.

TARRYTOWN—ENT and Allergy Associates, LLP, an ear, nose, throat, allergy and audiology practice, recently joined the business organization the Long Island Association. ENTA offers patients the services of over 160 board-certified otolaryngologists, neurotologists, laryngologists, rhinologists, facial plastics surgeons, allergists/immunologists and 85 licensed audiologists in 40 offices in New York and New Jersey. Of those, 28 physicians and 20 audiologists practice in Nassau and Suffolk counties.

HAWTHORNE — Planned Parenthood Hudson Peconic recently announced the election of a new chair of its Board of Directors, Ann Pogue, and the election of four new members to its board: Susan Chatzky; Maria Fidalgo; Pearl Lim, M.D.; and Judith D. Widmann.



WHITE PLAINS — Elder-law attorney Anthony J. Enea, managing partner of Enea, Scanlan & Sirignano, LLP, has been selected as a board member of the Westchester Public/Private Partnership for Aging Services.

The Westchester Public/Private Partnership for Aging Services develops resources to provide myriad services that help seniors age with independence and dignity in their home community.

Enea is president of the Westchester County Bar Foundation, a past president of the Westchester County Bar Associa-

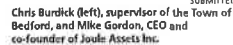
tion and a past chair of the New York State Bar Association's Elder Law Section.

NEW YORK — Merrill Lynch financial advisor and Bedford resident George D. Bianco was recently recognized as a top advisor by Barron's magazine in its annual "America's Top 1,200 Advisors: State-by-State" list. Bianco has been with Merrill Lynch's Rockefeller Center office for 36 years.

ELMSFORD—Naomi Giges Downey, a fundraiser who served as senior director of City Harvest in New York City, has been named vice president, Fund Development, of the Food Bank for Westches-

ter. The Food Bank is Westchester's largest provider of services, resources and education for the 200,000 area residents who face chronic food insecurity. Giges Downey will work to develop systems, define job functions and put in place the best structure for the fund-development department.

WHITE PLAINS — Chris Burdick (left), supervisor of the Town of Bedford, and Mike Gordon, CEO and co-founder of Joule Assets Inc., were recently elected co-chairs of Sustainable Westchester, a newly formed consortium of municipalities working to secure a more sustainable future for Westchester County.



Daniel Green, Deputy General Counsel and Certifying Officer
April 16, 2015

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EXHIBIT 4 Public Comments Received and Response

There have been no comments received.